REMARKS

Applicant respectfully requests that the foregoing amendments be entered at least because they do not raise any new issues requiring further search or consideration, and because they narrow the issues for appeal.

Claims 4, 5, 7, 11 and 12 are requested to be cancelled. Claims 1-3 are currently being amended. New claim 13 is being added as a new claim.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 6, 8-10 and 13 are now pending in this application.

Finality of Office Action

Applicant believes that the Office Action mailed on June 20, 2008, should be a Non-Final Office Action. Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). *See* MPEP § 706.07(a). Here, the Examiner introduced new grounds of rejection that were not necessitated by Applicant's amendments. In addition, the new grounds of rejection were not based on information submitted in an information disclosure statement. Instead, the new grounds of rejection were necessitated by the fact that the reference cited in the previous Office Action was not prior art. Accordingly, Applicant requests that the Office Action mailed on June 20, 2008 be made non-final.

Claim Objections

Claim 2 was objected to for informalities. In response, Applicant has amended claim 2 to correct the informalities. Accordingly, Applicant requests that the objection be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0005278 "Deng" in view of U.S. Patent Publication No. 2004/0125782 ("Chang"). In response, without agreeing or acquiescing to the rejection, Applicant has cancelled claims 4, 5, 7, 11 and 12 and amended independent claim 1. Further, Applicant respectfully traverses the rejection for the reasons set forth below.

Applicant relies on MPEP § 2143, which requires that all the claim limitations be considered. Considering all the claim limitations as required by MPEP § 2143.03, the cited references do not identically disclose, teach or suggest all the claim limitations. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Independent claim 1 is directed to a method for a data processing device exchanging data with a computer, comprising in addition to other steps "the computer communicating with the data processing device, parsing said stored configuration information and <u>exchanging data with computer in accordance with the position, exchanging order and exchanging pattern of the data defined by the configuration information.</u>" (emphasis added).

Without limitation to the claims, the Examiner is referred to page 13 of the application as filed. Accordingly, the claimed configuration information in the present application **defines the position, exchanging order and exchanging pattern of the data to be exchanged in the data storage area.** After the start program is executed, the data processing device maps the data storage area into other types of devices such as a USB storage device. Then, the start program parses the configuration information in the data storage area and calls the data in accordance with configuration information. That is, the configuration information of the present application relates to information on how to exchange the data stored in the storage module with a computer. For example, in "Exemplary embodiment 1" of the application the medium files stored in the data storage area of an MP3 player are run according to the configuration information.

In contrast, the cited references not disclose, teach or suggest each and every element recited in independent claim 1. Deng is directed to a multifunction semiconductor storage

device. As the examiner stated, Deng discloses that "configuration information is used to select which protocol will be followed so that the commands of the host are understood by the device." *See* Final Office Action at p. 13. In the Deng, a host computer connects with heterogeneous storage devices, which need to use different protocols to enable the host computer to communicate with the different storage devices. Deng discloses that the configuration information includes information about the storage devices themselves, such as the record of the bad blocks of the flash memory, the passwords and the digital signatures of the users, etc. *See* ¶ [0096]. However, information about storage device is not the same as "the position, exchanging order and exchanging pattern of the data to be exchanged in the data storage area" as claimed in independent claim 1.

Accordingly, the claimed configuration information is different from the special information disclosed in Deng. Further, the claimed operation of using the configuration information is not disclosed by Deng. For example, Deng does not disclose controlling the exchanging order and exchanging pattern of the data in accordance with the configuration information. In addition, Chang fails to cure the deficiencies of Deng.

Accordingly, the combination of Deng and Chang fail to disclose "the computer communicating with the data processing device, parsing said stored configuration information and <u>exchanging data with computer in accordance with the position, exchanging order and exchanging pattern of the data defined by the configuration information</u>" as claimed in independent claim 1. Claims 2, 3, 6, 8-10 and 13 depend from independent claim 1 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in Deng and/or Chang.

New Claim 13

Claim 13 has been added to further define the invention. No new matter has been added. Support for new claim 13 can be found at least on page 13 of the application as filed. Claim 13 should be allowed for at least the reasons set forth above.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date __9/22/08__

By _____ Reg. No. 57,396

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

Glenn Law
Attorney for Applicant
Registration No. 34,371

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